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RECEIVED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

5 Attorneys for Plaintiffs MARLO
CUSTODIO and MARILOU CUSTODIO

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UNITED STATES DISTRICT COURT

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COUNTY OF SANTA CLARA

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SAN JOSE DIVISION

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MARLO CUSTODIO, ROMEL CUSTODIO,
MARILOU CUSTODIO, and OSCAR "O.J."
CUSTODIO, JR.,

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Plaintiffs,

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v.

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THE COUNTY OF SANTA CLARA,
CALIFORNIA, CITY OF SAN JOSE, CHIEF
ROBERT DAVIS, SGT. EVANS, OFFICERS
EPP, OFFICER MORASCI, OFFICER
TRAN, OFFICER UNGER, OFFICER
DEMARIA, OFFICER JEFFREY, OFFICER
CRAWLEY, OFFICER PURNELL,
OFFICER CAHILL, and DOES 1-50,
inclusive,

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Defendants.

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PLAINTIFF MARILOU CUSTODIO by and through her attorneys of record in the above-entitled action and pursuant to FRCP 41 (a)(1)(A)(ii) agree to dismiss her entire case against Defendants EPP, MORASCI, TRAN, CRAWLEY, PURNELL, CAHILL, BARRY, and the COUNTY OF SANTA CLARA, without prejudice. The parties further stipulate to bear their own attorney's fees, costs and expenses.

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1 Stipulation of Dismissal and [Proposed] Order

Case Number: C09-00527 RMW

STIPULATION and [PROPOSED]
ORDER RE: DISMISSAL WITHOUT
PREJUDICE OF DEFENDANT
OFFICERS EPP, MORASCI, TRAN,
CRAWLEY, PURNELL, CAHILL and
BARRY.

C09-00527 RMW

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2 Respectfully submitted,

3 Dated: May 3, 2012

LAW OFFICE OF MICHAEL REISER

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By: /s/ Michael Reiser
Michael J. Reiser
Attorneys for Plaintiffs MARILOU
CUSTODIO

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Dated: May 3, 2012

CITY OF SAN JOSE

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By: /s/ Richard North
Attorneys for Defendants

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ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

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I attest that concurrence in the filing of this document by the signatories, Richard D. North and Michael Reiser, has been obtained, and that a record of the concurrence shall be maintained at the Law Office of Michael Reiser.

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Dated: May 3, 2012

By


Michael J. Reiser

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The Court having considered the stipulation of the parties, and good cause appearing therefor, orders as follows:

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1. The action is dismissed without prejudice as against Defendants Epp, Morasci, Tran, Crawley, Purnell, Cahill, Barry, and the County of Santa Clara pursuant to FRCP 41(a)(1)(A).

2. Each party shall bear their own costs and attorneys' fees.

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IT IS SO ORDERED.

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JEO DFG

Dated: _____


Ronald M. Whyte

Honorable Ronald M. Whyte
Senior District Judge
Northern District of California

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